



GARY R. HERBERT  
*Governor*  
SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

KENT L. JONES  
*State Engineer/Division Director*

Lefevre Barton and Tebbs Canal Company  
c/o Maloy Dodds, President  
PO Box 123  
Panguitch, UT 84759

Re: Tebbs Canal

November 21, 2017

Mr. Dodds:

Enclosed is a formal Notice from the State Engineer's Office explaining that Lefevre Barton and Tebbs Canal Company's Diversion from the Sevier River needs an accurate flume. The flume needs to be re-located downstream of the sand gate so that the Company is only charged for water that stays in the Canal. Also the flume cannot be totally submerged. The Parshall flume could be reset at a higher elevation or a ramp flume, which works even at 90% submergence could be used instead. The improved measuring device must be installed prior to diverting water next spring.

You are receiving the Notice because the State Engineer's records indicate you are the President of Lefevre Barton and Tebbs Canal Company, which owns the water rights taken in the Tebbs Canal.

Should you wish to discuss the required repairs or have any questions about this Notice, please feel free to call me at (801) 538-7431.

Regards,

Sue Odekirk, P.E.  
Distribution Engineer

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November 21, 2017

Subject: Tebbs Canal

EC:

Kirk Forbush, Southern Regional Engineer

Russel Christensen, River Commissioner

CC:

Delin Roundy



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## BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>Lefevre Barton and Tebbs Canal Company</p> <p>RESPONDENT</p>	<p><b>Tebbs Canal</b></p> <p><b>MEASURING DEVICE NOTICE</b></p> <p><b>SEAA 2105</b></p> <p>DISTRIBUTION ACCOUNT: 102226</p> <p>WATER RIGHTS: 61-2017, 61-2039, 61-867</p>
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### I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 and in accordance with UTAH ADMIN. CODE R. 655-15.

U.C.A. § 73-5-4 states in part:

- 1) *To assist the State Engineer or water commissioner in the regulation, distribution and measurement of water, a person using water in this state ...shall construct or install and maintain ...a measuring device at :*
  - a. *Each location where water is diverted from a source; and*
  - b. *Any other location required by the state engineer*
- 2) *A person using water in this state shall make the ...measuring device accesible to the state engineer or water commissioner.*
- 3) *The state engineer shall approve the design of :*
  - a. *The measuring device*
- ...
- 6) *If a water user refuses or neglects to construct or install the ...measuring device after 30 days' notice to do so by the state engineer, the state engineer may :*
  - a. *Forbid the use of water until the user complies with the state engineer's requirement; and*
  - b. *Commence enforcement proceedings authorized by Section 73-2-25.*



November 21, 2017

Subject: Re: Lefevre Barton and Tebbs Canal Company Measuring Device Notice

## II. STATEMENT OF FACTS

1. The Respondent diverts water from the South Fork of the Sevier River under the above-listed water rights into the Tebbs Canal at the following location: South 150 feet and East 1,300 feet from the NW corner Section 9, Township 34 South, Range 5 West, Salt Lake Baseline & Meridian.
2. The Parshall flume at the head of the Tebbs Canal doesn't measure water diverted into the canal accurately.
  - a. The Parshall flume is submerged and therefore cannot operate properly.
  - b. The flume is located upstream of the sand gate. It measures water diverted into the canal and water returned to the river.
3. Equitable distribution of water requires that the Respondent's diversion be equipped with an accurate measuring device.

## III. ACTIONS REQUIRED

1. **By May 1, 2018** the Respondent shall install an accurate measuring device, complete with a stilling well, near the head of the canal but downstream of the sand gate. Prior to commencing the required work and during the construction the Respondent shall consult with the Water Commissioner or Distribution Engineer to assure that the planned installation will satisfy the requirements of this Notice.

**Water should not be diverted after May 1, 2018 unless the above actions have been completed.**

The orderly distribution of water from the Sevier River in accordance with existing water rights is a concern to Division as well as to the Respondent. To that end we appreciate and thank you for your cooperation. If you have any questions concerning this Notice please contact Sue Odekirk, Distribution Engineer at (801) 538-7431 or Russel Christensen, River Commissioner at (435) 979-2087.

Respectfully,



Sue Odekirk, P.E.  
Sevier River Distribution Engineer

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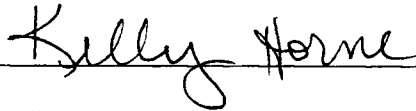
November 21, 2017

Subject: Re: Lefevre Barton and Tebbs Canal Company Measuring Device Notice

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 21st day of November, 2017, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Lefevre Barton and Tebbs Canal Company  
c/o Maloy Dodds, President  
PO Box 123  
Panguitch, UT 84759



Kelly Horne  
Division of Water Rights  
Field Services Secretary

7002 0510 0002 2228 7790

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
7002 0510 0002 2228 7790	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, January 2001	
See Reverse for Instructions	

EC: Kirk Forbush, Russel Christensen  
CC: Delin Roundy